

EL 477 037 113 US

Express Mail No.: _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rozhon *et al.*

Confirmation No.: 9130

Application No.: 09/712,033

Group Art Unit: 1651

Filed: November 14, 2000

Examiner: I. Marx

For: Enteric Formulations of
Proanthocyanidin Polymer Antidiarrheal
Compositions

New Attorney Docket No.: 11133-004
Former Attorney Docket No.: 7032-073

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Attention: Office of Petitions
Assistant Commissioner for Patents
Box-DAC
Washington, DC 20231

RECEIVED

JUL 11 2002

OFFICE OF PETITIONS

Sir:

Pursuant to a Notice to File Missing Parts of Application ("Notice") dated April 18, 2001 in connection with the above-identified application, submitted herewith are: (a) a copy of the Notice¹; (b) the required filing fee; (c) the surcharge of \$65.00 (small entity) required to be filed as set forth under 37 C.F.R. § 1.16(e); and (d) a Petition For Extension of Time from June 18, 2001 to and including October 18, 2001, including authorization of payment of the necessary fee estimated to be \$720.00.

The Notice requires payment of a statutory basic filing fee of \$355.00 and additional claims fee of \$806.00 and surcharge of \$65.00 in the amount of \$1226.00 (small entity). However, the present total fees for filing the application are estimated to be: \$1241.00.

Small entity status is appropriate for the above-identified application and a Verified Statement claiming same is submitted herewith.

Under 37 C.F.R. § 1.136(a), a Petition for Extension of Time for four months with authorization for the necessary fee is submitted herewith estimated to be \$720.00. Please charge the

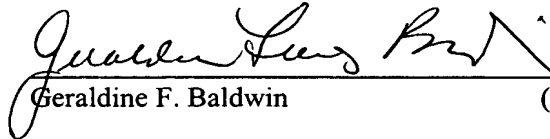
¹ It is noted that the Attorney Docket No. indicated in the Notice is incorrect and reads 7032-058. This is the Attorney Docket No. of the parent application, Serial No. 09/066,989.

required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date:

July 3, 2002


Geraldine F. Baldwin 31,232
(Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosure

07-05-02



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/712,033	11/14/2000	Edward James Rozhon	7032-058

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711



CONFIRMATION NO. 9130
FORMALITIES LETTER



OC000000005979929

Date Mailed: 04/18/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/10/2002 BABRAHA1 00000135 161150 09712033

01 FC:201 370.00 CH
02 FC:205 65.00 CH
03 FC:203 486.00 CH
04 FC:202 336.00 CH

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1612.
 - \$972 for 54 total claims over 20.
 - \$640 for 8 independent claims over 3 .
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2452.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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OFFICE OF PETITIONS



Express Mail No.: EL 477 037 113 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rozhon *et al.*

Serial No.: 09/712,033

Group Art Unit: 1651

Filed: November 14, 2000

Examiner: I. Marx

For: ENTERIC FORMULATIONS OF
PROANTHOCYANIDIN
POLYMER ANTIDIARRHEAL
COMPOSITIONS

New Attorney Docket No.: 11133-004
Former Attorney Docket No.: 7032-073¹

STATEMENT OF UNINTENTIONAL DELAY UNDER 37 C.F.R. § 1.137(b)(3)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Sir:

The above-identified application is believed to be abandoned for failure to file a timely response to the Notice to File Missing Parts of Nonprovisional Application ("Notice") dated April 18, 2001, a copy of which is enclosed with the Response to the Notice filed concurrently with this Statement. The period for filing a timely response, including any available extensions of time, expired on October 18, 2001. The abandonment date of the subject application is believed to have been October 18, 2001.

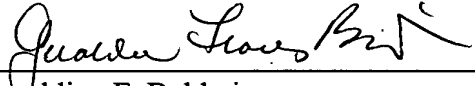
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Petitioner states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. The facts regarding the unintentional delay are set forth in the Statement of Steven R. King, Ph.D. submitted herewith.

Respectfully submitted,

Date: July 3, 2002


Geraldine F. Baldwin 31,232
(Reg. No.)

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New York, New York 10036-2711
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